


CSIS PROCEDURES:

S.12.1 THREAT REDUCTION MEASURES

SECRET

	Governing Policy: Conduct of Operations	
	Introduced: 2015-10-20	Approved by: DDO
	Last Revised: Version: 1	File No: 305-3-1
	Policy Centre: DDO	Link to French version
	Replaces: New Procedure	

1. GENERAL

- 1.1 This procedure outlines the requirements applicable to the use of threat reduction measures pursuant to s.12.1 of the *CSIS Act*.
- 1.2 This procedure applies to any internal operational measure undertaken by the Service where the principal purpose is to reduce a threat to the security of Canada, as defined in s.2 of the *CSIS Act*.
- 1.3 Section 12.1 measures to reduce a threat may be undertaken where there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada, provided the measure is reasonable and proportionate in the circumstances. Judicial authorization is required for any s.12.1 measure that is assessed as being contrary to Canadian law or contravening a *Charter* right or freedom.
- 1.4 In undertaking s.12.1 measures, the Service shall not cause, intentionally or by criminal negligence, death or bodily harm to an individual, wilfully attempt in any manner to obstruct, pervert or defeat the course of justice, or violate the sexual integrity of an individual.
- 1.5 Disclosures to Government of Canada (GoC) partners or law enforcement, pursuant to sections 13, 14 or 19 under the *CSIS Act* are not considered s.12.1 measures and are governed by separate procedures; refer to the *CSIS Policy*:

and *CSIS Policy: Security Advice and Assessments* and associated procedures for further guidance.
- 1.6 Collection activities that may have the incidental or secondary effect of reducing a threat to the security of Canada are not considered s.12.1 measures as long as the principal purpose of the activity was the collection of information or intelligence.

2. GOVERNING PRINCIPLES

- 2.1 CSIS achieves its mission to protect Canada's national security and Canadians through its advisory and disclosure functions as well as its use of s.12.1 reduction measures.
- 2.2 Employees have a responsibility to consider the range of national security tools available to respond to threats to the security of Canada; the use of s.12.1 measures is an additional tool.

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2.3 The duty to respond to threats can be achieved through the use of multiple tools, including s.12.1 measures, either consecutively or concurrently.

2.4 Operational planning should underpin the use of s.12.1 measures.

3. REQUEST FOR APPROVAL

3.1 At any time, Headquarters (HQ) Operational Branch, in consultation with the appropriate Region, may initiate a Request for Approval (RFA) to undertake a non-warranted s.12.1 measure using the approved template.

3.2 At any time, a Region, in consultation with the appropriate HQ Operational Branch, may initiate an RFA to undertake a s.12.1 measure using the approved template.

3.3 Consultation with the Deputy Director Operations (DDO) Secretariat should occur prior to, and during, the development of the RFA for guidance on drafting. DDO Secretariat will consult with CSIS Department of Legal Services (DLS) to determine if a warrant may be required.

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Development of a Request for Approval

- 3.8 All requests for approval for s.12.1 measures will be coordinated by the DDO Secretariat and approved at the Executive level.
- 3.9 The HQ Operational Branch or Region must complete all sections of the *Request for Approval for s.12.1 Measure* template.
- 3.10 The RFA must contain sufficient information to:

- 3.11 The RFA must be accompanied by an annex that provides a detailed description

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External Consultations

- 3.17 Consistent with Ministerial Direction, consultation with GoC partners, including the Royal Canadian Mounted Police (RCMP), DFATD and others as appropriate, will occur prior to seeking approval to undertake s.12.1 measures.
- 3.18 The HQ Operational Branch will coordinate to engage in consultations with the RCMP in accordance with the One Vision Framework.
- 3.18.1 The RCMP must be consulted on all s.12.1 measures for all investigations in relation to s.2 (c) of the CSIS Act and others as appropriate.

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3.19

DFATD will be consulted on s.12.1 measures that are assessed as having potential foreign policy implications

3.20 Where the s.12.1 measure may impact another GoC department's mandate or a foreign partner (e.g., activity is abroad), the HQ Operational Branch must consider whether consultation is required and initiate such discussions as appropriate. All decisions, details of the consultation and supporting rationale must be documented.

4. REVIEW AND APPROVALS OF REQUEST FOR APPROVAL

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5. EXECUTION OF S.12.1 MEASURE

- 5.1 Once approved, the HQ Operational Branch or Region is authorized to undertake the s.12.1 measure(s).

6. REPORTING REQUIREMENTS

- 6.1 The RFA and supporting annexes, whether approved or not, must be documented to the appropriate operational file.

- 6.2.1 This reporting must also be provided to DDO Secretariat for tracking purposes as well as to fulfil the Service's reporting obligations for the Director's Annual Report to the Minister of Public Safety.

- 6.3 The HQ Branch, or DDO Secretariat and PFR, must document all consultations, prior to and after the measure was undertaken, with other GoC partners, including the date and response received.

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